

**KAZEROUNI LAW GROUP, APC**

Abbas Kazerounian, Esq. (SBN: 249203)

ak@kazlg.com

Jason A. Ibey, Esq. (SBN: 284607)

jason@kazlg.com

245 Fischer Avenue, Suite D1

Costa Mesa, CA 92626

Telephone: (800) 400-6808

Facsimile: (800) 520-5523

**BURKE LAW OFFICES, LLC**Alexander H. Burke, Esq. (*pro hac vice*)

aburke@burkelawllc.com

155 N. Michigan Avenue, Suite 9020

Chicago, Illinois 60601

Telephone: (312) 729-5288

Facsimile: (312) 729-5289

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT****SOUTHERN DISTRICT OF CALIFORNIA**

NICOLE NEWMAN,

Plaintiff,

v.

AMERICREDIT FINANCIAL  
SERVICES, INC.,

Defendant.

SHIRLEY MACK,

Plaintiff,

v.

GENERAL MOTORS  
FINANCIAL CORP. f/k/a  
AMERICREDIT CORP.,

Defendant.

**Case No.: 11-CV-3041 DMS  
(BLM)**

consolidated with:

Case No.: 12-CV-3038 DMS (BLM)

**CLASS ACTION****JOINT MOTION TO DISMISS  
PLAINTIFF, SHIRLEY  
MACK'S, INDIVIDUAL  
CLAIMS WITH PREJUDICE  
AND CLASS CLAIMS  
WITHOUT PREJUDICE**

1 WHEREAS, on December 20, 2011, Shirley Mack on behalf of herself and  
2 others similarly situated filed an action in the United States District Court for the  
3 Northern District of Illinois, captioned as *Mack v. General Motors Financial*  
4 *Company, Inc. f/k/a AmeriCredit Corp.*, Case No. 1:11-cv-9008 (the “Mack  
5 Action”);

6 WHEREAS, on January 18, 2013, the Mack Action was transferred to the  
7 United States District Court for the Southern District of California for settlement  
8 purposes and consolidated with an action brought by Nicole Newman (the  
9 consolidated action was assigned Case No. 12-CV-3038; the Newman action is  
10 Case No. 11-CV-3041);

11 WHEREAS, Shirley Mack passed away in or about May of 2013;

12 WHEREAS, Defendant General Motors Financial Corp. f/k/a AmeriCredit  
13 Corp. (“AmeriCredit Financial Services, Inc.” or “AmeriCredit”) entered into a  
14 Settlement Agreement with the estate of Plaintiff Shirley Mack on or about  
15 October 25, 2013, in which Ms. Mack’s daughter, Julie Schultz, on behalf of Ms.  
16 Mack and her estate, agreed to cause the Mack Action to be dismissed with  
17 prejudice from the California consolidated case;

18 NOW, THEREFORE, Julie Schultz, on behalf of Plaintiff Shirley Mack and  
19 her estate, and Defendant AmeriCredit Financial Services, Inc. (the “Parties”),  
20 hereby move to dismiss from the above-captioned actions, Case Nos. 11-CV-3041  
21 and 12-CV-3038, Plaintiff Shirley Mack’s individual claims with prejudice and her  
22 class claims without prejudice. In support of this Motion, the Parties hereby state:

23 The Parties agree that this Court can proceed to dismiss this action entirely  
24 with prejudice as to the individual claims of Plaintiff Shirley Mack and without  
25 prejudice as to the class claims. Each party shall bear her/its own costs and fees  
26 with respect to this action. Counsel for Ms. Mack continues to remain proposed  
27

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1 class counsel for the class settlement in *Newman v. Americredit*, Case No.: 11-CV-  
2 3041 DMS (BLM) (S.D.Cal.).

3 Respectfully submitted,

4 **Kazerouni Law Group, APC**

5 Date: November \_\_, 2013

By: /s/ Abbas Kazerounian, Esq.

6 Abbas Kazerounian

7 Attorneys for Plaintiff

8  
9 **Troutman Sanders**

10 Date: November 8, 2013

By: /s/ Naomi Spector, Esq.

11 Naomi Spector

12 Attorneys for Defendants

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20 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative  
21 Policies and Procedures Manual, I hereby certify that the content of this document  
22 is acceptable to Naomi Spector, counsel for Defendant, and that I have obtained  
23 Ms. Spector's authorization to affix her electronic signatures to this document.

24 **KAZEROUNI LAW GROUP, APC**

25 Dated: November 8, 2013

By: /s/ Abbas Kazerounian, Esq.

**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Kazerouni Law Group, APC, 245 Fischer Avenue, Suite D1, Costa Mesa, California 92626. On November \_\_\_\_\_, 2013, I served the within document(s):

**JOINT MOTION TO DISMISS PLAINTIFF, SHIRLEY MACK’S,  
INDIVIDUAL CLAIMS WITH PREJUDICE AND CLASS CLAIMS  
WITHOUT PREJUDICE**

☒ CM/ECF - by transmitting electronically the document(s) listed above to the electronic case filing system on this date before 11:59 p.m. The Court’s CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record who are registered with the Court’s CM/ECF system.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November\_\_\_\_\_, 2013, at Costa Mesa, California.

/s/ Abbas Kazerounian

ABBAS KAZEROUNIAN